

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TAMARA SAWYER,

Plaintiff,

v.

RECONTRUST COMPANY, N.A.; BAC
HOME LOAN SERVICING, LP, a limited
partnership, aka BANK OF AMERICA
HOME LOANS; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a corporation,

Defendants.

No. 3:11-CV-292-ST

ORDER

Tamara L. Sawyer, Pro Se
20960 Scottsdale Drive
Bend, OR 97701

Stephen Patrick McCarthy
Megan E. Smith
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204

Attorneys for Defendant

HERNANDEZ, District Judge:

Magistrate Judge Janice Stewart issued a Findings and Recommendation (#20) on May 27, 2011, in which she recommends that this Court grant Defendants' Motion to Dismiss or, Alternatively, Motion to Strike (#11) with prejudice for the First, Second, and Fourth Claims; and without prejudice and with the right to replead for the Third and Fifth Claims. Judge Stewart also recommends that Plaintiff Sawyer should be directed to file an amended complaint within a specified period of time and cautioned that failure to do so will result in a dismissal of this action.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings and Recommendation (#20). Accordingly, Defendants' Motion to Dismiss or, Alternatively, Motion to Strike (#11) is granted with prejudice for the First, Second, and Fourth Claims; and without prejudice and with the right to replead for the Third and Fifth Claims. Plaintiff Sawyer shall file an amended complaint

within 30 days of this Order. Failure to do so will result in a dismissal of this action.

IT IS SO ORDERED.

DATED this 30th day of June, 2011.

/s/ Marco A. Hernandez
MARCO HERNANDEZ
United States District Judge